provision, see 47 U.S.C. § 252(i); AT&T Agreement § 5 (Application App. B, Tab 30) (MFN provision); (2) utilize the terms of the Louisiana PSC-approved SGAT, which contains all checklist items in full satisfaction of governing rulings of this Commission and the Louisiana PSC, see SGAT at 1 (Application App. C, Tab 137); (3) enter into a customized agreement that satisfies the checklist to the precise extent consistent with the CLEC's own business plans; or (4) if the CLEC has an existing agreement with a pick-and-choose provision, utilize that provision to obtain the checklist-compliant terms of their choosing. See Varner Aff. ¶ 18; see also, e.g., ACSI (e.spire) Agreement § XXII (Application App. B, Tab 5); AMC Agreement § XXI (Application App. B, Tab 1); Hyperion Agreement § 5 (Application App. B, Tab 43); Shell Agreement § 5 (Application App. B, Tab 26); Louisiana Unwired Agreement § XVI (Application App. B, Tab 54); PowerTel Agreement § XIX (Application App. B, Tab 18); PrimeCo Agreement § XVI (Application App. B, Tab 19); SprintSpectrum Agreement § XVII (Application App. B, Tab 21); MereTel Agreement § XVII (Application App. B, Tab 29). Through any of these avenues, BOCs have a "concrete and specific legal obligation to furnish [each] item upon request," on specified terms. Michigan Order, 12 FCC Rcd at 20601, ¶ 110.

The Louisiana PSC has now twice reviewed BellSouth's checklist offerings. In light of this Commission's finding that BellSouth had not satisfied the checklist in its first Application, the PSC undertook another "careful review" of BellSouth's checklist compliance, focusing on the items found deficient by the FCC last winter. Louisiana PSC at 3. The PSC found that BellSouth now offers contract service arrangements ("CSAs") at the generally applicable wholesale discount and that "significant progress has been made in th[e] area of OSS," particularly with respect to pre-ordering, ordering, electronic notification of order rejects, and training. Id. at 3-5. The PSC also cited nine specific examples of actions BellSouth had taken to

enhance the capabilities of OSS since BellSouth's first Application for Louisiana. Id. at 5. The

PSC further noted that it had adopted "comprehensive Measurements" of BellSouth's

performance which provide "an objective way to determine whether BellSouth is engaged in

anticompetitive practices." Id. at 6. Based on all these factors, the Louisiana PSC concluded by

a vote of 4-1 that BellSouth has corrected every checklist deficiency previously identified by this

Commission and satisfies all requirements for interLATA entry. Id. at 3, 9-10.[6]

The Louisiana PSC's findings merit close attention not only because they are entitled to

special weight under the statute, see 47 U.S.C. § 271(d)(2)(B), but also because they are an

objective assessment of Bellsouth's Application. By contrast, incumbent interexchange carriers

and CLECs have a direct interest in delaying section 271 relief and making the checklist

requirements even stricter. Realistically, these carriers will never find BellSouth's compliance

with the competitive checklist sufficient. For its part, the Department of Justice has not even

tried to offer an evaluation this Commission could accept. Hiding behind its freedom to make up

a standard of its liking for its own purposes, 47 U.S.C. § 271(d)(2)(A), DOJ flatly ignores points

that are dispositive for purposes of this Commission's review. These include the basic fact that

BellSouth is not required to offer network elements on a pre-combined basis, see DOJ at 11-16

(objecting that BellSouth "needlessly separate[s]" UNEs), and the equally fundamental principle

that jurisdiction over pricing of interconnection and unbundled network elements is reserved to

the states); see id. at 18-26 (arguing that BellSouth should comply with DOJ's view of

"appropriate prices").

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[6] The PSC also noted that a detailed, "point-by-point" review of BellSouth's checklist compliance is needed to assist states such as Louisiana in applying the 1996 Act, whether or not the Commission grants Bellsouth's Application. Louisiana PSC at 10.

DOJ also falls into a second trap that has undermined the validity of its evaluations of prior Bell company applications under section 271. Precisely because it lacks any direct experience with local telecommunications markets and has not conducted the sort of hands-on investigation carried out by the Louisiana PSC and other state commissions, DOJ feels obliged to assume the truth of allegations made by those with a vested interest in blocking interLATA relief. See, e.g., DOJ at 17-18 (relying on fact that "new entrants have complained"); id. at 19-20 n.37 (relying on existence of "outstanding disputes in Louisiana"); id. at 27-28 n.51 (relying on list of CLEC comments for DOJ's "evaluation" of "missing" OSS system functions). DOJ likewise bases its assessment of Bellsouth's Application upon pure speculation about such matters as the reasons why CLECs have chosen not to roll out UNE-based service in Louisiana. Id. at 9-11. DOJ even rests its assessment of Bellsouth's Application on third-hand stories relating to companies that have not even participated in this proceeding — citing, of all sources, AT&T for its information. See id. at 18 n.34 (citing AT&T "summar[y]" of NEXTLINK "problems"). And throughout all of this, DOJ abdicated any useful consultative role, regressing instead to pure advocacy, through such techniques as highlighting dislike for a few of BellSouth's PSC-approved prices in several pages of text, id. at 18-26, while relegating to a footnote DOJ's conclusion "[i]n most respects . . . the LPSC's pricing decisions, and its reasoned explanation of those decisions, are consistent with the Department's focus on pro-competitive pricing," id. at 19 n.37.

Under section 271(d)(4) the Commission may not accept the opponents' proposal that the competitive checklist be used as a tool for achieving miscellaneous policy and strategic objectives. As described below and in the Louisiana PSC's comments, this Commission should

be guided by the facts and the law, not the partisanship of incumbent long distance carriers, other CLECs, or the DOJ.

A.   Checklist Item 1: Interconnection

Interconnection issues provide a good example of the danger of taking CLEC comments at face value. Sprint, for instance, maintains that its customers have experienced call-routing problems "on numerous occasions." Sprint's Closz Aff. ¶¶ 63-65; see Sprint at 36. Yet such problems have been isolated and, as Sprint's own documentation shows, BellSouth has quickly corrected them. Milner Reply Aff. ¶ 9; see Sprint's Closz Aff. Ex. MLC-4 (revealing that BellSouth fixed problem two hours after it was reported). Sprint's example of supposed checklist non-compliance thus reveals that inevitable network glitches are being resolved speedily and cooperatively for BellSouth's CLEC customers, just as for BellSouth's retail customers.

Sprint further objects to BellSouth's prohibition on exchanging different types of traffic, other than interLATA and intraLATA toll, on the same interconnection trunks. Sprint at 48-50; see Varner Aff. ¶ 48. Sprint relies on a Florida PSC decision on this issue, thus sweeping under the rug the Louisiana PSC's finding in the Sprint/BellSouth Arbitration that although combination of different classes of traffic on interconnection trunks is not technically feasible today, it will be permitted when Sprint can demonstrate technical feasibility. Varner Reply Aff. ¶ 3. Sprint did not seek to appeal that decision, nor has it sought to make the showing contemplated by the Louisiana PSC. Varner Reply Aff. ¶ 3. Instead, Sprint argues for a rule in section 271 proceedings that if another state commission has decided an issue relating to technical feasibility against BellSouth, that state decision should trump the Louisiana PSC's contrary judgment. Sprint at 50-52. In other words, if CLECs can win against BellSouth

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anywhere, they presumptively should win everywhere. If accepted, Sprint's proffered presumption would be arbitrary, capricious, and systematically discriminatory. It would constitute an end-run around the Louisiana PSC's jurisdiction over interconnection arrangements in Louisiana and directly violate section 271, which provides that only one state commission's views are entitled to special weight in this proceeding, and that is the Louisiana PSC. 47 U.S.C. § 271(d)(2)(B). Sprint's proposal thus is emblematic of the opponents' overreaching in their efforts to block interLATA entry.

AT&T raises several issues regarding its Digital Link Service, a service whereby AT&T's long distance customers are offered local calling capabilities. AT&T at 59-60. AT&T alleges that BellSouth intentionally shut down AT&T's 8YY trunks in Georgia for alleged nonpayment of charges. AT&T at 60. It is true that these trunks were inadvertently removed from service on June 8, 1998; service was restored later that day. Milner Reply Aff. ¶¶ 5-6. While any error is unfortunate, and BellSouth regrets this error, as the Commission realizes, the standard that BellSouth must meet is not operational perfection. A more detailed explanation of the events surrounding this incident is set out in Mr. Milner's Affidavit. Id.

B.   Checklist Item 2: Access to Unbundled Network Elements

1.   *BellSouth Provides Nondiscriminatory Access to its OSS*

As set out in the Application, BellSouth has substantially enhanced its OSS since late 1997, when the Commission last reviewed them. BellSouth has addressed those aspects of its OSS that this Commission identified as deficient, and BellSouth's OSS comply with the requirements of the 1996 Act. See BellSouth Br. at 17-20. DOJ, while concluding that BellSouth has not yet demonstrated that its OSS are adequate to ensure an open market, did find that BellSouth made "a number of improvements . . . since its earlier South Carolina and

Louisiana section 271 applications." DOJ at 26. The Louisiana PSC, which "has been diligent in its monitoring of the BellSouth OSS enhancements and modifications," has concluded "significant progress has been made" by BellSouth on its OSS. Louisiana PSC at 4.

Yet while all objective parties agree that BellSouth has made improvements to its OSS, this Commission would never discern this from the comments of CLECs. CLECs find something to criticize about all aspects of BellSouth's OSS, refusing to concede any improvements. In fact, AT&T contends that even enhancements to BellSouth's OSS — enhancements that address Commission concerns and have been recognized as such by the Louisiana PSC — "create serious new problems." AT&T at 34. When AT&T cannot find any operational basis to criticize a particular enhancement, AT&T contends that it is a unilateral change that BellSouth has "exploited" to "undercut the ability of CLECs." Id. at 36. In AT&T's world, there are no CLEC errors — only BellSouth OSS operational shortcomings or BellSouth's failure to provide business rules and/or change control procedures. Id. at 35-39. AT&T's circular argument ensures that whatever BellSouth does, AT&T will be able to argue that BellSouth is at fault.

Generally, complaints about BellSouth's OSS can be reduced to two misunderstandings: a misunderstanding of BellSouth's obligations under the 1996 Act, and a misunderstanding of the capacities of BellSouth's OSS. This confusion regarding capabilities stems from a lack of familiarity rather than a lack of available information; the capabilities of BellSouth's OSS have been fully documented and they far outstrip the use to which they have been put by CLECs.

BellSouth is not obligated to provide a particular CLEC with whatever means of access that CLEC claims is best, or cheapest, or easiest. Instead, the Act requires BellSouth to provide CLECs with nondiscriminatory access. See 47 U.S.C. § 271(c)(2)(B)(iii); Local Interconnection

Order[7], 11 FCC Rcd at 15763, ¶ 517. For example, when BellSouth provides CLECs with the same type of access that it provides its own retail operations, BellSouth has satisfied its obligations under the 1996 Act — regardless of whether this access is manual or electronic. In short, BellSouth must provide CLECs with access to its OSS in "substantially the same time and manner" as BellSouth's own retail service personnel. Local Interconnection Order, 11 FCC Rcd at 15764, ¶ 518. BellSouth has done so.

Some commenters contend that actual commercial usage is required before a BOC can demonstrate that its OSS provide nondiscriminatory access. DOJ insists that "BellSouth's performance results based upon actual commercial usage are insufficient to demonstrate the commercial availability, reliability, and readiness of its wholesale support process." DOJ Evaluation at 28. Put more bluntly, MCI asserts that a Bell company cannot prove the availability of nondiscriminatory access until CLECs have taken advantage of that access on a large scale, unless the Bell company somehow can show that the CLECs have made an affirmative "decision not to develop and use the OSS functions in question." MCI at 41. These assertions reveal the misapprehension that the conduct of CLECs, rather than BellSouth's steps to open the local market, controls BellSouth's satisfaction of the checklist.

The competitive checklist ensures that a Bell company has made access to its network legally and practically available. See Michigan Order, 12 FCC Rcd at 20601-02, ¶ 110. While the availability of OSS interfaces that are not already used in the Bell company's own operations can be shown through commercial use by CLECs, that is not the only way. To the contrary,

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[7] First Report and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, 11 FCC Rcd 15499, 15673, ¶ 517 ("Local Interconnection Order"), modified on reconsideration, 11 FCC Rcd 13042 (1996), vacated in part, Iowa Utils. Bd. v. FCC, 120 F.3d 753 (8th Cir. 1997), cert. granted, 118 S. Ct. 879 (1998).

where "the practical availability of the necessary OSS functions" can be shown, the CLECs' lack of readiness is immaterial for checklist purposes. Id. at 20618, ¶ 138.

Against these governing rules, the OSS arguments offered by CLECs cannot withstand scrutiny. As BellSouth demonstrated in its Application, and as the following discussion confirms, CLECs have access to BellSouth's OSS in "substantially the same time and manner" as BellSouth's own retail service personnel.

Pre-Ordering. BellSouth currently offers CLECs in Louisiana a choice of three electronic pre-ordering interfaces — the Local Exchange Navigation System ("LENS"), the Common Gateway Interface ("CGI"), and EC-Lite. BellSouth Br. at 21-25. These interfaces provide CLECs with real-time access to the same pre-ordering databases used by BellSouth's retail representatives. Stacy OSS Aff. ¶ 14. Moreover, these interfaces provide CLECs with a single interface for both residential and business customers throughout all of the states in BellSouth's region — a convenience not available to BellSouth's retail personnel. Id. ¶ 15.

CLECs nevertheless complain about these interfaces. Some of these complaints are premised on incorrect technical assertions, while others are premised on unnecessary demands that are not required by the 1996 Act. CLECs complain that BellSouth has not deployed an integrated, "machine-to-machine" pre-ordering interface. See e.g., AT&T at 40-41; Intermedia at 11; MCI at 56-58; Sprint at 29-31. Yet these commentators fail to point to anything in the 1996 Act or this Commission's orders that would require BellSouth to be solely responsible for this integration. Indeed, in an ex parte that it has filed with the Commission, MCI conceded that "it is the CLEC's responsibility to perform the actual integration" of the interface.[8] This

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[8] Ex parte Letter from Keith L. Seat, MCI, to Magalie Roman Salas, CC Docket Nos. 97-231, 97-121, 97-208, and 97-137, at 10 (Apr. 28, 1998).

Commission has also recognized that CLECs bear this responsibility. See Louisiana Order ¶ 54 (requiring BellSouth to provide CLECs with "the necessary technical specifications to develop" a pre-ordering interface).

As a factual matter, BellSouth does provide pre-ordering machine-to-machine interfaces, and CLEC suggestions to the contrary are incorrect. CGI is a machine-to-machine interface for communicating data between an information server, such as LENS, and another independent Application, such as a CLEC OSS. Id. ¶ 22. CLECs that use CGI may integrate it with the EDI ordering interface and/or with their own OSS. Id. ¶ 21. EC-Lite, which has been available to CLECs since December 30, 1997, also provides the machine-to-machine integration that these CLECs demand. Stacy OSS Aff. ¶ 25.

AT&T criticizes EC-Lite, without mentioning that this interface was developed by BellSouth at AT&T's request. Stacy OSS Aff. ¶ 25. While AT&T grudgingly admits that EC-Lite is an "improvement," AT&T offers a number of "defects" that AT&T claims deny CLECs "equivalent access." AT&T at 41. Significantly, AT&T does not contend that these "defects" are discriminatory, only that they provide non-equivalent access. AT&T complains that EC-Lite and LENS do not allow CLECs to view customer service records of those customers served by UNEs. AT&T at 40-42. This is no longer correct. As of August 15, 1998, CSRs for customers served by UNEs are available through LENS, CGI, and EC-Lite. Stacy Reply Aff. ¶ 21. AT&T also argues that EC-Lite presents customer service records in an unusable format, but this "unusable" format is the same format in which BellSouth's retail personnel view residential orders through BellSouth's sales negotiation system. Id. ¶ 22. AT&T complains that EC-Lite does not provide an end user's billing transfer number. However, because this information

provides a carrier with access to confidential information, the end user's permission is required. Id. ¶ 29. Thus, the number cannot be directly supplied through BellSouth's interfaces.

While AT&T complains that EC-Lite is unsatisfactory[9], MCI objects to EC-Lite for an entirely different reason. According to MCI, EC-Lite is unacceptable because the interface "provides significant advantages to AT&T as compared with other CLECs." MCI at 57. These conflicting criticisms of the interface serve only to illustrate their lack of validity.

DOJ unfairly criticizes BellSouth for not providing performance information on EC-Lite. However, since AT&T stopped using EC-Lite in July 1998, there is currently no usage data to report. Stacy Reply Aff. ¶ 29.

CLECs also complain that the pre-ordering interfaces provided by BellSouth are not industry standard interfaces. See e.g., Sprint at 31; MCI's Green ¶¶ 54-63. At the time that BellSouth developed its pre-ordering interfaces, there were no pre-ordering interface industry standards, and had BellSouth waited until these standards were implemented, its development of pre-ordering interfaces would have been greatly delayed. In fact, they still would not exist. Stacy OSS Aff. ¶ 13. Instead of waiting, BellSouth went ahead and developed pre-ordering interfaces — interfaces that are currently being used by over 70 CLECs. Id. ¶¶ 98, 113. As explained in its Application, however, BellSouth "will implement the standards that the industry establishes . . . for all OSS functions when they are developed." Stacy OSS Aff. ¶ 13.

MCI's contention that BellSouth "has not indicated that it is willing to move forward with EDI TCP/IP" thus has no merit. MCI at 57. BellSouth will develop this interface, which was approved as a pre-ordering standard by the Electronic Communications Implementation

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[9] AT&T stopped using EC-Lite in July 1998. Stacy Reply Aff. ¶ 21.

Committee only last month. Stacy OSS Reply Aff. ¶ 9. MCI is aware of this commitment, since BellSouth discussed the development of this interface with MCI on July 28, 1998 — the week before MCI filed its comments in this proceeding. Id.

CLEC complaints about other pre-ordering interfaces are also without merit. MCI contends that the CGI specification does not allow a CLEC to manipulate customer service records ("CSRs"). MCI at 56-57. AT&T contends that "the CGI specifications that BellSouth has provided . . . do not enable CLECs to integrate LENS with their own systems and with the EDI ordering interface in a nondiscriminatory fashion." AT&T at 41; see also e.spire at 31-32. These contentions have been refuted by the actions of Albion International, Inc., a third-party vendor with which BellSouth contracted to build an interface integrating CGI and EDI-PC. Stacy OSS Aff. ¶ 110. Using the same information supplied to CLECs, Albion integrated the two systems in eight weeks. Id. ¶ 112. Albion also demonstrated that CLECs could in fact parse CSRs to the extent required by EDI. Stacy OSS Reply Aff. ¶ 17. Nor would the benefits of this interface work be limited to new residential orders (for which it was designed), as AT&T suggests, but could easily be adapted for other types of orders. Stacy OSS Reply Aff. ¶ 12.

AT&T contends that Albion's work was "limited and unsupervised" and is therefore "unavailing." AT&T at 42. Albion's work was "limited and unsupervised" precisely to the extent necessary to replicate the work that would be performed by an actual CLEC that sought to use CGI. While BellSouth did not supervise Albion's work, it was certified by Ernst & Young. Stacy OSS Aff. ¶ 111. AT&T also speculates, without support, that the "internal CLEC information systems' used in the Albion project must have been designed (if not actually constructed) by BellSouth itself." AT&T's Bradbury Aff. ¶ 160. AT&T's assumption is false:

BellSouth did not design or build Albion's internal CLEC information systems. Stacy OSS Reply Aff. ¶ 13 & Ex. WNS-Reply-2.

MCI complains that BellSouth does not provide downloads of BellSouth's Regional Street Address Guide ("RSAG") as part of the pre-ordering process. MCI at 60. Electronic access through the LENS, CGI, and EC-Lite interfaces provides the data sought by MCI through the RSAG. Id. Nevertheless, BellSouth has agreed to provide the RSAG to MCI. Stacy OSS Aff. ¶ 70.

MCI also contends that BellSouth does not provide access to blocks of direct inward dial ("DID") numbers inquiry, DID trunk inquiry, and UNE service provider inquiry. MCI's Green Aff. ¶¶ 87-88. DID numbers and trunks are available to CLECs. Stacy OSS Aff. ¶ 74. They are contained in ATLAS, the telephone number database, which LENS, CGI, and EC-Lite access. Id. While CLEC requests for large blocks of DID numbers are handled manually, this access is nondiscriminatory, because such requests are also handled manually for BellSouth's retail operations. Id. For CLECs, blocks of 10 DID numbers are available through EC-Lite. Id. Furthermore, DID trunks and number blocks will be part of the Ordering and Billing Forum's ordering standards in the TCIF version 9.0, which was published on July 25, 1998 and is due for implementation by BellSouth in 1999, if CLECs agree during the change control process. Id.

MCI also complains that BellSouth does not provide CLECs a way of determining which service provider is furnishing particular network elements to service the customer, "in an environment in which multiple service providers might be providing different pieces of a single customer's service." MCI's Green Aff. ¶ 88. As BellSouth previously explained in its Application, MCI does no more than conjure up a capability that "might" be needed at some indefinite point in the future and is not needed or available to BellSouth today. Stacy OSS Aff.

¶ 74. No CLEC has raised this issue in BellSouth's change control process or with any industry standards committee. Stacy OSS Reply Aff. ¶ 32. In the event there is ever a genuine need for access to this information, BellSouth will consider CLEC requests through its change control process. Id.

MCI also complains that BellSouth does not provide CLECs a way of determining which service provider is furnishing particular network elements to service the customer. MCI's Green ¶ 88. There is currently no reason for this access, since different CLECs are at present not providing different UNEs to the same end-user. Stacy OSS Reply Aff. ¶ 32. No CLEC has proposed this functionality to the Electronic Interface Change Control or to national standards groups. Id. If in the future such a request is made, BellSouth will work with the CLEC to provide the information. Id.

MCI also suggests that because BellSouth does not provide an automated pre-ordering system for complex services such as Centrex or ISDN, its OSS are discriminatory. MCI's Green Aff. ¶¶ 89-90. As BellSouth previously explained, the specialized and complicated nature of complex services, together with their relatively low order volume, makes it impractical to mechanize any pre-ordering system for these services. Stacy OSS Aff. ¶ 11.

MCI complains that CLECs cannot access, through LENS, promotions that BellSouth may be offering. MCI at 59-60. Information on BellSouth promotions is available to CLECs through BellSouth's tariffs and Internet web site. This information, which MCI apparently reviews for purposes of designing its own competitive offerings, has nothing to do with nondiscriminatory access to BellSouth's OSS.

OmniCall correctly points out that BellSouth is developing another integrated pre-ordering interface, Telecommunications Access Gateway ("TAG"), but complains that BellSouth

has refused to release "critical programming data to OmniCall until it [TAG] was ready for public release." OmniCall at 2-3. BellSouth told OmniCall in May 1998 that BellSouth would release the pre-ordering portion of the TAG interface on August 31, 1998. Stacy OSS Reply Aff. ¶¶ 7-9. BellSouth has consistently cooperated with OmniCall in the development of TAG. For example, BellSouth complied with OmniCall's request for a demonstration of part of the TAG configuration. OmniCall at 2-3. And although OmniCall asserts its support of TAG has been "wasted," id., OmniCall has continued to participate in the project, and in fact attended TAG training classes on July 21, 1998. Stacy OSS Reply Aff. ¶ 9.

DOJ has expressed concern that CLECs seeking to obtain information from customer service records have, in the Department's words, "experienced average response times nearly twice those experienced by BellSouth's own retail representatives using the RNS residential service order negotiation system." DOJ at 29. As BellSouth has previously explained, such a straight comparison between LENS and RNS is meaningless, because RNS response time reflects the handling of residence orders only, while the reported average LENS response time reflects the handling of both residence and more complex business orders. Stacy Perf. Aff., Ex. WNS-3. DOJ would lead this Commission to believe that "parity" is being achieved only if BellSouth is providing equal or better treatment to CLECs than to its own retail customers in every measurement category all the time. This was not and never has been a requirement of the Act. Service levels will vary from month to month for numerous nondiscriminatory reasons. Stacy Reply Aff. ¶ 23. It is not reasonable for any CLEC to expect only "equal or better" service in each and every category for each and every month. The Louisiana PSC's decision to evaluate methods and to analyze performance data over time through industry workshops avoids the distortions that are a part of an exclusive focus on a single measurement.

Ordering and Provisioning. BellSouth's EDI interface was specifically developed for CLECs, conforms to the national standards for local exchange ordering established by the Ordering and Billing Forum, and has been available since December 31, 1996. Id. ¶ 81. The most recent version of this interface, Version 7.0, was released on March 16, 1998. Id. ¶ 93. This version provides electronic notification of error notifications, as well as additional edits to check for CLEC errors before an order is submitted, thereby addressing specific concerns articulated by this Commission in its South Carolina and Louisiana Orders. Id. ¶ 6; see South Carolina Order ¶¶ 101-107; Louisiana Order ¶¶ 32-34.

AT&T focuses on BellSouth's implementation of EDI Version 7.0 when complaining about BellSouth's "change control" process. AT&T at 36; see also MCI at 46. However, before implementing Version 7.0, BellSouth provided CLECs with an advance notice of six months.

AT&T asserts that "[r]easonable practice dictates" that BellSouth should have continued to support Version 6.0 (as well as Version 7.0) until BellSouth implements yet another new, updated version of EDI. AT&T at 36. In other words, BellSouth should be obligated always to support two versions of the same interface. MCI goes further, and suggests that BellSouth should be obligated to support a particular version of an interface for as long as even a single CLEC wishes to use this interface. According to MCI, "some CLECs may not desire to migrate to a new version of an interface at all. CLECs should not have to spend significant resources developing and implementing a new version of an interface even if the benefits to them of migrating to that particular version are significantly outweighed by the costs." MCI at 46.

The 1996 Act does not require BellSouth to support multiple versions of OSS interfaces. While MCI objects to the cost of any development work required of a CLEC when a new version of an interface is introduced, it cavalierly disregards the substantial costs that would be incurred

by BellSouth if BellSouth were required to support multiple versions of OSS interfaces. And while MCI attempts to reassure this Commission that it and other CLECs "are not arguing that BellSouth must continue to offer each version of an interface forever," id. at 46, it is impossible to reach any other conclusion, given MCI's insistence that BellSouth must continue to support any version of an interface that a CLEC wishes to continue using. In addition to being costly for BellSouth and CLECs, supporting multiple standards for an indefinite period of time might well create data integrity problems, impairing BellSouth's ability to provide CLECs with accurate information.

Despite these problems, BellSouth agreed that it would continue to support EDI Version 6.0 beyond the 90-day period during which it routinely would support both Version 6.0 and Version 7.0, if CLECs were willing to pay the costs of the continued support of Version 6.0. CLECs were unwilling to pay these costs. AT&T objected that it was too expensive, AT&T at 37, while MCI contended that BellSouth's offer was "unreasonable." MCI at 47. These CLECs thus are arguing that BellSouth unilaterally should absorb the cost of supporting multiple versions of interfaces for as long as CLECs desire these versions, even though the Act only requires BellSouth to make available a nondiscriminatory interface. It also should be noted that the CLECs' desire to utilize existing interfaces rather than improved ones gives the lie to their habitual claims that that the old interfaces are insufficient. If the interfaces really were discriminatory, carriers such as AT&T and MCI would not be so anxious to continue using them.

Intermedia claims that it has had problems with "lost" orders sent by EDI. Intermedia at 11-13. While Intermedia has made these allegations, it has not come forward with any proof, and except for complaints in November 1997, Intermedia never made any complaints about these "lost" orders — either formally or informally. Stacy Reply Aff. ¶ 34. BellSouth met with

Intermedia in November 1997 and investigated the problems reported by Intermedia. Id.

BellSouth learned that Intermedia had incorrectly sent these orders to a test EDI platform, instead

of the production platform. Id. Since that time, Intermedia had not raised additional "lost"

orders, nor complained about these prior "lost" orders — except to state commissions and this

Commission. Id.

AT&T and MCI complain about BellSouth's procedures for "partial migrations" or "split

accounts," which are orders in which an end-user decides to use a CLEC to provide service for

some lines, while continuing to use BellSouth as the carrier for the remainder of its lines. AT&T

at 36-37; MCI at 48-50; Stacy OSS Reply Aff. ¶ 32. CLECs may send resale or UNE orders for

an end-user's original partial migration by EDI. Stacy OSS Reply Aff. ¶ 32.; Funderburg Reply

Aff. ¶ 17. However, if the end-user later decides to move additional lines to the CLEC, this

subsequent partial migration must be ordered manually. Id. Subsequent partial migrations are

processed manually and will not be mechanized via EDI until national standards are approved

and implemented. Funderburg Reply Aff. ¶ 17. AT&T contends that it had established a

"workaround" for EDI Version 6.0 that allowed it to send subsequent partial migrations

electronically. AT&T at 36-37. This is incorrect. BellSouth agreed to this workaround for three

orders during the testing of EDI Version 6.0; this workaround was never a part of EDI Version

6.0 and was not used by AT&T when it started to use EDI to transmit orders to BellSouth. Stacy

OSS Reply Aff. ¶ 33.

AT&T has suggested that certain changes be made to EDI to accommodate subsequent

partial migrations. AT&T's Bradbury Aff. ¶¶ 89-109. CLECs (including AT&T) together have

asked as part of the change control process that BellSouth not make any changes to EDI without

their input. Stacy OSS Reply Aff. ¶ 41. These CLECs have also suggested that the next version

of EDI consist of a selection of the aspects of all versions of EDI (including future versions 8.0, 9.0, and 10.0) that CLECs find most useful. Id. BellSouth is anxious to work with CLECs to create a version of EDI that addresses the reasonable concerns and desires of CLECs. As part of this effort, BellSouth is willing to delay the next versions of EDI in order to create a version that includes the fields that CLECs believe are most helpful. Id. Assuming that CLECs are interested in participating, this "best of" version of EDI work would be available in mid to late 1999. Id.

AT&T complains that BellSouth failed to provide it with the business rules necessary to place manual orders for subsequent partial migrations. AT&T's Bradbury ¶¶ 106-109. This is incorrect. BellSouth provided this information to AT&T's account team on July 17, 1998. Stacy OSS Reply Aff. ¶ 34. AT&T also complains that it has not been provided with complete business rules regarding other transactions. AT&T at 38. This is also incorrect. BellSouth has provided all interested CLECs with a complete set of business rules. Stacy OSS Aff. ¶ 104. Interested CLECs may obtain BellSouth's Local Exchange Ordering Interpretation Guide ("LEO Guide"), as well as other business rules governing the Local Exchange Ordering database, together with business rules governing the Local Exchange Service Order Generator. Stacy Aff. ¶ 104. BellSouth will update its business rules to comply with the establishment or alteration of industry standards. Id. ¶ 106.

AT&T and MCI also complain that they have discovered errors in the LEO guide. AT&T's Bradbury Aff. ¶¶ 67-70; MCI's Green ¶ 98. While BellSouth attempts to produce error-free work, it is not unexpected that a document that is more than 1,600 pages might contain some errors. Stacy OSS Reply Aff. ¶ 48. BellSouth updates and corrects the LEO guide on a regular basis. Id.

ITC DeltaCom also complains about BellSouth's documentation for EDI, contending that the documentation was responsible for delays that ITC DeltaCom had experienced in developing a customized version of EDI. ALTS's Rozycki Aff. ¶ 6. BellSouth first learned of this problem when it read ITC DeltaCom's comments in this proceeding; when BellSouth subsequently contacted ITC DeltaCom to discuss this problem, BellSouth was told that ITC DeltaCom did not have any problems with the documentation, and that, in fact, it had everything it needed to complete its testing. Stacy OSS Reply Aff. ¶ 30.

AT&T further contends that BellSouth's business rules and change control process are the reason for CLEC errors in the ordering process. AT&T at 43. If BellSouth's information were the reason for CLEC errors, as AT&T contends, then the flow-through rates for CLECs would be uniformly low. Yet this is not the case. CLEC flow-through rates vary widely. The fact that error rates vary substantially among CLECs suggests that CLECs own internal procedures are substantially responsible for these errors. See Funderburg Reply Aff. ¶¶ 21, 23, 35 (discussing average and CLEC-specific clarification rates). TRA questions the quality of personnel assigned to BellSouth's ordering and repair centers utilized by CLECs. TRA at 25, 28. BellSouth staffs its Local Carrier Service Centers ("LCSCs"), BellSouth Resale Maintenance Center ("BRMC"), and Unbundled Network Element Centers ("UNECs") with well-trained employees. See Funderburg Reply Aff. ¶¶ 5, 7, 8, 14. In addition to its in-house training, BellSouth has employed outside management consultants to assist in connection with newly trained employees in the CLEC ordering and repair centers. Funderburg Reply Aff. ¶ 74.

Intermedia raises the fact that an independent consultant found that BellSouth's LCSC needed process improvement. Intermedia at 12. This allegation is out-dated. After this assessment, in early 1997, BellSouth engaged the consulting firm of DeWolff, Boberg &

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Associates to assist with the efficient start-up of LCSCs. After twenty-two weeks of development work, DeWolff, Boberg stated that the centers were operational and able to handle customer requests. Funderburg Reply Aff. ¶ 8.

DOJ is most generally troubled by BellSouth's adjusted flow-through rates, which show that in May 1998 82 percent of CLEC electronic orders flowed through BellSouth's systems without any human intervention, whereas BellSouth's retail flow-through percentages were 96 percent for residential orders and 83 percent for business orders. DOJ at 30. According to DOJ, these flow-through rates do not establish parity. Id. DOJ is particularly concerned that the flow-through rates for EDI, the electronic interface for UNE orders, is "only marginally above 40%." Id. at 31. DOJ is incorrect. In light of the insinuation that the LENS flow-through rate may have been masking this sharply lower rate, BellSouth has set out the EDI flow-through rates for March through July 1998. Stacy OSS Reply Aff. ¶ 62. At no time was this flow-through rate "marginally above 40%." Id. On the contrary, the flow-through rate is significantly higher, with a sharp improvement in June (78.3 percent) and July (76.5 percent). Id.

In reviewing DOJ's criticism, BellSouth discovered an error it made in calculating the flow-through rate for EDI, which depressed the combined CLEC flow-through rate. Stacy OSS Reply Aff. ¶ 50. Once corrected for this error, the adjusted flow-through rate for CLEC electronic orders in May 1998 was actually 86 percent, not 83 percent. This corrected flow-through rate further bolsters BellSouth's assertion that it provides nondiscriminatory access to its OSS. Id.

As with all ordering interfaces, the flow-through rate for EDI depends on the performance of both BellSouth and CLECs. CLEC errors in using EDI account for the lower flow-through rate. For example, ITC DeltaCom complains that it received rejection notices for 16 percent of

its orders submitted between March and May 1998. ALTS at 14-15. BellSouth has reviewed these orders with ITC DeltaCom, and discovered that at least some of these rejections were caused by ITC DeltaCom's failure properly to enter information in the telephone number field. Stacy OSS Reply Aff. ¶ 36. Likewise, AT&T's orders for UNE combinations in Kentucky using EDI lacked the necessary additional line code designation, while others had insufficient end user information and thus could not be processed. Id. ¶ 45. BellSouth did not sit idly and let these errors continue, but instead contacted AT&T numerous times — by telephone, by email, and in person — in an attempt to resolve AT&T's self-inflicted problems. Id. ¶¶ 45, 54.

A continuing source of controversy is BellSouth's ability to provide CLECs with firm order confirmations ("FOCs"). CLECs complain that the speed with which BellSouth provides these confirmations is inadequate. See, e.g., AT&T at 33; CompTel at 6; KMC at 11-12. DOJ found BellSouth's performance "troublesome" because in some categories BellSouth took two or three days to confirm orders. DOJ at 31-32. In May 1998, a FOC was returned within 24 hours 93 percent of the time for accurate business resale orders submitted electronically and 99 percent of the time for accurate residential orders submitted electronically. Stacy Performance Aff. WNS-3 (May 1998: Firm Order Confirmation Timeliness). Of course, orders that are submitted with errors necessarily delay the FOC process. On the average, 14.6 percent of the LSRs received by the LCSCs during the first seven months of 1998 required clarification. Funderburg Reply Aff. ¶ 21. BellSouth has taken steps to help CLECs lessen these errors, but ultimately does not control the accuracy of submitted orders. If a CLEC has submitted an invalid order, BellSouth attempts to fix the error and then return a FOC, rather than simply sending an error notice. These actions, which are undertaken solely to benefit CLECs, necessarily slow the order confirmation process.

While EDI is the industry standard interface for ordering, LENS may be used for ordering if the end-user is simply "switching-as-is" from BellSouth to the CLEC. Stacy OSS Aff. ¶ 98. Sprint has complained that LENS does not provide additional ordering formats, such as ordering formats for UNEs. Sprint's Closz Aff. ¶ 31. LENS was designed primarily as a pre-ordering tool; its flexibility to provide certain ordering functions, in additional to its pre-ordering functions, is another advantage for CLECs, not a handicap. Stacy OSS Aff. ¶ 99. The ordering formats Sprint seeks are available through EDI.

KMC Telecom asserts that "many" of its electronic resale orders "falls into error status" because it is "unable to enter the appropriate codes using the LENS program." KMC Telecom at 18. KMC's entry errors cannot be blamed on the LENS program, when CLECs are able to enter the appropriate codes in the "Features/Services" field on the "Service Detail" screen of LENS. Stacy OSS Reply ¶ 51. KMC complains that BellSouth does not have in place procedures for CLECs to order BellSouth's FlexServ Service. KMC at 17. This is incorrect. BellSouth has a process in place for FlexServ , which is a complex service that requires the engineering of a design network. Funderburg Reply Aff. ¶ 12. Its installation involves coordination of multiple network infrastructure centers for complex service provisions, which is reflected in the installation interval. Id. BellSouth provides Account Team Support for the service inquiry. Id.

MCI contends that BellSouth's service jeopardy notifications are discriminatory. MCI at 43-45. According to MCI, this notification process is discriminatory because "one phone call is required to notify a BellSouth customer, while two phone calls are required to notify a CLEC customer." MCI at 45. The reason that there are two phone calls to notify a CLEC customer is because BellSouth is prohibited from contacting CLEC customers directly; it can only contact the CLEC, which in turn has the responsibility of notifying the customer. See Stacy OSS Aff.

¶ 149. BellSouth's inability to contact a CLEC customer directly is not discriminatory, but is in keeping with the Commission's rules. Sprint's contention that BellSouth's retail representatives receive electronic notification of these service jeopardies is simply incorrect. Sprint at 35; Stacy OSS Reply Aff. ¶ 54.

Electronic notifications of end-user-caused jeopardies are sent to CLECs that use LENS. Stacy OSS Aff. ¶ 150. As part of the change control process, BellSouth is working with CLECs to provide electronic service jeopardies via EDI, in advance of industry standards. Id. At present, EDI users receive notification of service jeopardies in substantially the same time and manner as BellSouth. Id.   .

KMC contends that BellSouth is guilty of unnecessary delays in calling card conversions. KMC at 21-22. BellSouth allows a CLEC to provide a calling card Personal Identification Number ("PIN") on the submitted LSR; with this PIN an end user can continue to use his or her calling card until the new card is received. Funderburg Reply Aff. ¶ 10. The delays about which KMC complains were caused by KMC's failure to submit LSRs accurately. Id. KMC complains that BellSouth issues multiple clarifications on individual orders, which cause provisioning delays. KMC at 17. While KMC seeks to blame these errors on BellSouth, in reality it is KMC's failure to submit accurate LSRs that has caused these delays. Funderburg Reply Aff. ¶ 35. Almost one-quarter of the LSRs submitted by KMC during the first seven months of 1998 required clarification; this is well above the CLEC average of 14.6 percent. Id. e.spire contends that BellSouth technicians will not address cutover problems after 6:00 p.m. e.spire at 25. This is incorrect. BellSouth will schedule provisioning activities outside regular business hours; e.spire need only request after-hour service when it submits its LSRs. Funderburg Reply Aff. ¶ 44.

Service Maintenance and Repair. BellSouth's Trouble Analysis Facilitation Interface ("TAFI"), which is used by BellSouth's retail representatives, is available to CLECs. Stacy OSS Aff. ¶¶ 159, 163-65. In addition, CLECs can use Electronic Communications Trouble Administration ("ECTA") Gateway, which is a machine-to-machine interface. Id. ¶ 175. A manual interface is also available. Id. ¶ 178.

AT&T complains that TAFI is "proprietary" and does not permit machine-to-machine communication. AT&T at 44. It is not surprising that TAFI is a proprietary interface, since it is the same maintenance and repair system used by BellSouth's retail representatives. Stacy OSS Aff. ¶¶ 163, 165. Moreover, since this is the identical system used by BellSouth's retail operations, there can be no dispute about parity and nondiscrimination. AT&T's complaints about TAFI's alleged limitations are therefore irrelevant. For example, AT&T complains that BellSouth refused to provide TAFI functionality via the ECTA interface as AT&T requested. AT&T's Bradbury Aff. ¶¶ 223-224. AT&T is not entitled to demand that BellSouth incorporate TAFI functionality into the ECTA interface. Stacy OSS Reply Aff. ¶ 71. There is no justification for this demand. BellSouth did not represent that it would undertake this project, and AT&T's interconnection agreement called for an industry standard, machine-to-machine interface for repair and maintenance. The result was the ECTA interface. BellSouth offers CLECs the option of using an industry standard interface, ECTA, or TAFI, which is non-standard. Id.

AT&T complains that BellSouth lacks a machine-to-machine repair and maintenance interface that supports UNEs. AT&T's Bradbury Aff. ¶ 221. This is incorrect. BellSouth's ECTA interface, which was built for AT&T, provides access to the BellSouth maintenance OSS that supports both telephone-numbered and circuit-identified services, and supports both resold

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services and UNEs. Stacy OSS Reply Aff. ¶ 57. In addition to being a machine-to-machine interface, ECTA is also an industry standard repair and maintenance interface. Id. ¶ 58.

MCI complains that because of problems caused by BellSouth, MCI could not complete its readiness testing for the ECTA Gateway until July 15, 1998. MCI's Green Aff. ¶¶ 173-74. This complaint is unfounded. Any delay was caused by problems on MCI's side of the interface, as MCI well knows from discussions with BellSouth. Stacy OSS Reply ¶ 57. MCI had wanted to use the same interface it used for long distance reporting to report local problems. Id. In attempting to accommodate MCI, BellSouth asked MCI to provide "dual addresses," in order to separate the long distance service information and the local service information being relayed across the interface. Id. MCI agreed to this, only subsequently to learn that it could not provide dual addresses. Id. When MCI notified BellSouth of its error, BellSouth agreed to rewrite its side of the interface in order to accommodate MCI's interface. Id. It is therefore unfair to blame any delay on BellSouth; rather, the situation demonstrates BellSouth's flexibility in working with a CLEC to resolve a CLEC's problems.

AT&T argues that the Electronic Communications Trouble Administration ("ECTA") Gateway "cannot practicably be used in view of the current limited volume of transactions, which is due to BellSouth's noncompliance with the Act." AT&T at 44. The ECTA Gateway interface, which was built at AT&T's request, supports both resold services and UNEs. Stacy OSS Aff. ¶ 175. AT&T had started to use the ECTA Gateway in March 1998; on April 9, 1998, AT&T advised BellSouth that AT&T had stopped sending trouble reports by the ECTA Gateway because, according to AT&T, its current volume did not justify the use of this Gateway. Stacy OSS Aff. ¶ 176. Whatever the reasons for AT&T's failure to be a broad-based local competitor in Louisiana, they have nothing to do with the ECTA Gateway. AT&T thus has no basis for its